

CITY OF REDDING

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OFFICE OF THE CITY ATTORNEY

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February 15, 2019

A-050-050

Attn: Samuel Sinyangwe
MuckRock News
DEPT MR 68033
411A Highland Ave.
Somerville, MA 02144-2516

Re: Public Records Act Request Received January 30, 2019

Mr. Sinyangwe:

This letter is in response to your January 30, 2019, request for records under the California Public Records Act (Gov. Code Section 6250 et seq.).

On February 4, 2019, our Office drafted a letter extending the City's initial response for up to fourteen (14) days, for the reasons set forth therein. Thank you for your continued patience as the City continues to search for, compile, and review potentially responsive records.

Subject to the potential redactions and exclusions below, the City has determined it will comply with your request by providing you with the information you are seeking. The City does not interpret your request as seeking the documents supporting the information you specifically referenced in your request. As such, any non-exempt and responsive information the City has should be available within the next two weeks. You will receive the available information by separate letter.

While the City is continuing to search for and compile the requested information, the supporting documents may contain personally sensitive information that will be redacted from any encompassing documents, should they be requested. In such cases, those records are exempt under Government Code Sections 6254(c),(i), & Penal Code Section 832.7(b), which protect disclosure of personal records constituting an unwarranted invasion of privacy. Likewise, we would claim exemption for attorney-client privileged materials under Gov. Code Section 6254(k) & Penal Code Section 832.7(b). The City would likely further claim exemption for any information uncovering the home contact information of any public officials under Gov. Code Section 6254.21 & Penal Code Section 832.7(b) and investigatory files, as protected by Gov. Code Section 6254(f), to the extent allowed by law. Any records disclosing informant identify

would also be redacted under Evidence Code Section 1041. Any records protected as elder or child abuse reports or juvenile records police and court records under Penal Code Section 11165.5, et seq., Welfare & Institution Code Sections 827-828 would be redacted along with any records or photographs of the body of a deceased person taken for or by the coroner under Cal. Code Civ. Proc. Section 129.

Furthermore, and based on Penal Code Section 832.7, the City will also remove, redact, or withhold: (1) any personal data or information, such as a home address, telephone number, or identities of family members; (2) any information or data to preserve the anonymity of complainants or witnesses; (3) any information to protect the confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy; (4) any information where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, or others; and (5) as otherwise required by law and/or court order.

The records may also be redacted pursuant to Penal Code Section 832.7(b)(3) if the record is from a separate and prior investigation, unless independently subject to disclosure and pursuant to Penal Code Section 832.7(b)(6), where the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of such information. Certain records, if found, and as provided under Penal Code Section 832.7(b)(7), may be withheld pursuant to the timeframes set forth in Penal Code 832.7, should they be the subject of an active criminal or administrative investigation. Should any such records be located, this Office will inform you of their existence and date for potential release.

Lastly, and as provided by Penal Code Section 832.7(b)(8), records of a civilian complaint, investigation, findings, or dispositions of that complaint, shall not be released if the complaint was deemed frivolous.

The Public Records Act “provides for the inspection of public records maintained by state and local agencies” (*California State University, Fresno Assn., Inc. v. Superior Court*, (2001) 90 Cal.App.4th 810, 822.), and embodies “a strong policy in favor of disclosing public records.” (*Dixon v. Superior Court*, (2009) 170 Cal.App.4th 1271, 1275.) Because the disclosure of public records has the potential to impact individual privacy, any public records request involves two two fundamental competing interests—prevention of secrecy in government and protection of individual privacy. (*City of San Jose v. Superior Court*, (1999) 74 Cal.App.4th 1008, 1016–1017.) 1016–1017.) Thus, the right to disclosure of public records is not absolute. (*Id.* at p. 1017.) To the extent that your request seeks documents the City does not maintain and/or documents on private private servers or private electronic devices, the City cannot accommodate. Not only would this constitute an unwarranted violation of individual privacy to require such disclosure, the City does not not own, maintain, or control these documents and has no legal or practical means to compel

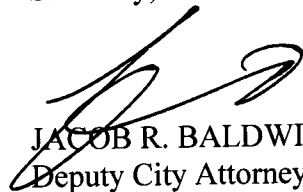
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production. To the extent the request seeks records not in the possession, maintenance or control of the City, the City cannot comply with this provision of the request.

Please note that the City currently charges a photocopy fee of twenty-five cents (\$.25) per page. While your request, as understood, is not expected to be included in the photocopy fee is the City's direct photocopying costs, which include the cost of running the copy machine and the expense of the person operating it. The City's fee does not include the cost of retrieving, inspecting, and handling the records, which the Public Records Act does not allow the City to recover.

Should you have any questions or concerns, please feel free to contact me directly at (530) 225-4050 or at jrbaldwin@cityofredding.org.

Sincerely,



JACOB R. BALDWIN
Deputy City Attorney

JRB/sel